

**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

**JANE DOE,**

Petitioner-Plaintiff,

v.

**U.S. DEPARTMENT OF HOMELAND  
SECURITY; KRISTI NOEM**, Secretary of the  
U.S. Department of Homeland Security, in her  
official capacity; **THERESA MESSIER**,  
Superintendent, Chittenden Regional Correctional  
Facility, in her official capacity,

Respondents-Defendants.

Case No. 2:25-cv-00240-CR

**FEDERAL RESPONDENT’S RESPONSE TO PETITIONER’S  
MOTION TO SET A BRIEFING SCHEDULE**

On May 20, 2025, Petitioner filed a motion (ECF No. 53) to establish a briefing schedule on a currently scheduled bail hearing on May 28, 2025. Federal Respondents request that the Court postpone the May 28, 2025 hearing, until June 17, 2025, or a later date for the following reasons and establish an appropriate briefing schedule based on the date that Petitioner moves for bail based on the current habeas petition (ECF No. 1). Alternatively, Federal Respondents request that if the Court grants leave to amend Petitioner’s habeas petition, it should postpone any bail hearing until after Petitioner serves an amended petition and Federal Respondents have an opportunity to respond. *See* Rules 1(b), 12, Rules Governing Section 2254 Proceedings; Fed. R. Civ. P. 15(a)(3) (providing that “[u]nless the court orders otherwise, any required response to an amended pleading” is due “within 14 days after service of the amended pleading”).

1. Petitioner has been in removal proceedings under 8 U.S.C. § 1229a since March 7, 2025, and has been subject to mandatory immigration detention under 8 U.S.C. §§ 1225(b)(1)(B)(ii), (b)(1)(B)(iii)(IV), (b)(2)(A), for that entire period. *See* ECF No. 24, Response to Order to Show Cause (“OSC”) at 5, 7 (Mar. 17, 2025); *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until [credible fear or removal] proceedings have concluded.”).

2. This Court conducted a hearing to resolve Petitioner’s habeas corpus petition and Federal Respondents’ motion to dismiss her Administrative Procedure Act claims on May 14, 2025. At that hearing, this Court offered two potential dates for a bail hearing: May 28, 2025, and June 17, 2025. This Court scheduled a bail hearing on May 28, 2025, at Petitioner’s request.

3. On May 14, 2025, Petitioner was arrested for smuggling in violation of 18 U.S.C. § 545 after a May 12, 2025, criminal complaint was unsealed. ECF No. 50, Ex. A, *United States v. Kseniia Petrova*, 1:25-mj-05150-JGD (D. Mass.).

4. On May 15, 2025, a magistrate judge in the Western District of Louisiana ordered that Petitioner be detained and transported by the U.S. Marshals to the District of Massachusetts, where Petitioner requested that “any preliminary or detention hearing be held[.]” ECF No. 50, Ex. B., Minute Order at 2, *United States v. Kseniia Petrova*, 3:25-mj-00092-01 (W.D. La. May 15, 2025); ECF No. 50, Ex. C, Commitment Order, *United States v. Kseniia Petrova*, 3:25-mj-00092-01 (W.D. La. May 15, 2025). Petitioner is currently in the custody of the U.S. Marshals and will not be transported to New England until May 30, 2025.

4. To date, Petitioner has not moved to amend her habeas corpus petition. *See* Rules 1(b), 12, Rules Governing Section 2254 Proceedings; Fed. R. Civ. P. 15(a)(1) (prohibiting amendments “as a matter of course” more than 21 days after a responsive pleading was filed).

5. To date, Petitioner has not filed a motion for bail. *Compare with Mahdawi v. Trump*, — F. Supp. 3d —, 2025 WL 1243135, \*1 (D. Vt. Apr. 3, 2025) (addressing a “Motion for Release” under *Mapp v. Rendo*, 241 F.3d 221 (2d Cir. 2001)); *Oztruk v. Trump*, — F. Supp. 3d —, 2025 WL 1145250, at \*1, \*4 (D. Vt. Apr. 18, 2025) (addressing a motion for immediate release and a supplemental memorandum on that issue).

6. Petitioner’s delay in moving for bail or filing a brief addressing bail prejudices the government because *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001), requires the movant to “demonstrate that the habeas petition raises substantial claims” on the merits. Federal Respondents cannot prepare an adequate response to Petitioner’s non-yet-filed bail request on an amended habeas petition that this Court has not granted leave to file under Fed. R. Civ. P. 15 within the time remaining before the May 28, 2025, hearing because undersigned counsel’s pleading must undergo supervisory review, which will be challenging to obtain over a holiday weekend, as May 26, 2025, is a federal holiday. *See* 5 U.S.C. § 6103(a).

6. Undersigned counsel is on leave from June 4, 2025, to June 11, 2025, and will be unable to work on Federal Respondents’ case during that time.

7. Federal Respondents moved to postpone the May 28, 2025, bail hearing on May 16, 2025, because Petitioner will be in U.S. Marshals custody on that date and because no amended habeas petition has been filed. ECF No. 50, Mot. to Postpone (May 16, 2025).

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**CONCLUSION**

For the foregoing reasons, Federal Respondents request that the Court postpone the May 28, 2025, bail hearing until June 17, 2025, or a later date and establish a briefing schedule that commences on the date that Petitioner moves for bail based on the current habeas petition (ECF No. 1). Alternatively, if this Court grants leave to amend Petitioner's habeas petition, this Court should postpone any bail hearing until after Petitioner serves an amended petition and Federal Respondents have an opportunity to respond.

Dated: May 21, 2025

Respectfully submitted,  
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